

General Accounting Office

§81.8

by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Records containing geological and geophysical information and data (including maps) concerning wells.

(j) Inter-agency or intra-agency memoranda, letters or other materials that are part of the deliberative process. For example, this exemption includes internal communications such as GAO or other agency draft reports, and those portions of internal drafts, memoranda and workpapers containing opinions, recommendations, advice or evaluative remarks of GAO employees. This exemption seeks to avoid the inhibiting of internal communications, and the premature disclosure of documents which would be detrimental to an agency function.

(k) Records in addition to those described in paragraph (j) of this section containing information customarily subject to protection as privileged in a court or other proceedings, such as information protected by the doctor-patient, attorney-work product, or lawyer-client privilege.

(l) Unsolicited records containing information submitted by any person to GAO in confidence and records which GAO has obligated itself not to disclose. An example of records covered by this exemption would be information obtained by the GAO Fraud Referral and Investigations Group (GAO Hotline).

[49 FR 38527, Oct. 1, 1984, as amended at 53 FR 50913, Dec. 19, 1988]

§81.7 Fees and charges.

(a) No fee or charge will be made for:

(1) Records provided under provisions of this part when the direct search and reproduction costs are less than \$25.

(2) Records requested which are not found or which are determined to be exempt under provisions of this part.

(3) Staff-hours spent in resolving any legal or policy questions pertaining to the request.

(4) Copies of records including those certified as true copies, that are furnished for official use to any officer or employee of the federal government.

(5) When necessary or desirable to the performance of a function of GAO, copies of pertinent records furnished to

a party having a direct and immediate interest in a matter pending before the Office.

(b) When costs are \$25 or more, the fees and charges described below, will be assessed for the direct costs of search and reproduction of records available to the public under this part.

(1) The reproduction charge per page shall be 20 cents.

(2) Certification of authenticity shall be \$10 for each certificate.

(3) Search for records by office personnel.

(i) Clerical personnel—\$10 an hour.

(ii) Professional personnel—\$20 an hour.

(4) Other direct costs related to the request may be charged for such items as computer searches.

(c) GAO shall notify the requester and may require an advance deposit where the anticipated fees will exceed \$50.

(d) Fees and charges shall be paid by check or money order payable to the U.S. General Accounting Office.

(e) Fees established by this section may be waived or reduced upon a determination by the Director, OP, that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Persons seeking such waiver or reduction of fees may be required to submit a statement setting forth the intended purpose for which the records are requested or otherwise indicate how disclosure will primarily benefit the public and, in appropriate cases, explain why the volume of records requested is necessary. Determinations pursuant to this paragraph are solely within the discretion of GAO.

[49 FR 38527, Oct. 1, 1984, as amended at 53 FR 50913, Dec. 19, 1988]

§81.8 Public reading facility.

A public reading facility shall be maintained by the General Accounting Office at 441 G Street NW., Washington, DC. The facility, under the control of the Office of the General Counsel, shall be open to the public from 8:30 a.m. to

5:00 p.m. except Saturdays, Sundays, and holidays.

[53 FR 50913, Dec. 19, 1988]

PART 82—FURNISHING RECORDS OF THE GENERAL ACCOUNTING OFFICE IN JUDICIAL PROCEEDINGS

Sec.

- 82.1 Court subpoenas or requests.
- 82.2 Fees and charges.

AUTHORITY: 31 U.S.C. 711, 713, 714, 718, 3523, 2524, 2526, and 3529.

§ 82.1 Court subpoenas or requests.

(a) A subpoena or request from a court for records of the General Accounting Office should be directed to the Comptroller General of the United States and served upon the Records Management and Services Officer, Office of Information Systems and Services.

(b) In honoring a court subpoena or request original records may be presented for examination but must not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office. They must not be marked or altered, or their value as evidence impaired, destroyed, or otherwise affected. In lieu of the original records, certified copies will be presented for evidentiary purposes since they are admitted in evidence equally with the originals (31 U.S.C. 704).

[33 FR 358, Jan. 10, 1968, as amended at 45 FR 84955, Dec. 24, 1980; 47 FR 56980, Dec. 22, 1982]

§ 82.2 Fees and charges.

The provisions of § 81.7 of this chapter are applicable to this part; however, where the charging of fees is appropriate, they need not be collected in advance.

[33 FR 358, Jan. 10, 1968, as amended at 47 FR 56980, Dec. 22, 1982]

PART 83—PRIVACY PROCEDURES FOR PERSONNEL RECORDS

Sec.

- 83.1 Purpose and scope of part.
- 83.2 Administration.

- 83.3 Definitions.
- 83.4 Conditions of disclosure.
- 83.5 Specific disclosure of information.
- 83.6 Accounting of certain disclosures.
- 83.7 GAO policy and requirements.
- 83.8 Standards of conduct.
- 83.9 Social Security number.
- 83.10 First Amendment rights.
- 83.11 Official Personnel Folder.
- 83.12 Procedures for individual access to records.
- 83.13 Inquiries.
- 83.14 Denial of access requests.
- 83.15 Request for amendment of record.
- 83.16 Administrative review of request for amendment of record.
- 83.17 Fees.
- 83.18 Rights of legal guardians.
- 83.19 Government contractors.
- 83.20 Mailing lists.
- 83.21 Exemptions.

APPENDIX I TO PART 83—MEMORANDUM OF UNDERSTANDING

AUTHORITY: 31 U.S.C. 711(1); Memorandum of Understanding between the U.S. Office of Personnel Management, the National Archives and Records Service of the General Services Administration and the U.S. General Accounting Office; 4 CFR part 81; 5 CFR parts 294–297; and 31 U.S.C. 731, *et seq.*

SOURCE: 50 FR 13162, Apr. 3, 1985, unless otherwise noted.

§ 83.1 Purpose and scope of part.

This part describes the policy and prescribes the procedures of the U.S. General Accounting Office (GAO) with respect to maintaining and protecting the privacy of GAO personnel records. While GAO is not subject to the Privacy Act (Act) (5 U.S.C. 552a), GAO's policy is to conduct its activities in a manner that is consistent with the spirit of the Act and its duties, functions, and responsibilities to the Congress. Application of the Privacy Act to GAO is not to be inferred from the provisions of these regulations. These regulations are designed to safeguard individuals against invasions of personal privacy by requiring GAO, except as otherwise provided by law, to—

(a) Protect privacy interests of individuals by imposing requirements of accuracy, relevance, and confidentiality for the maintenance and disclosure of personnel records;

(b) Inform individuals of the existence of systems of personnel records maintained by GAO containing personal information; and